



Paper No. 5

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**OFFICE OF PETITIONS**

In re Application of :  
Cox, et al. :  
Application No. 09/942,919 :  
Filed: August 31, 2001 :  
Attorney Docket No. P513 DIV1 :

ON PETITION

This is a decision on the papers styled "Petition in Response to Notice of Omitted Items in a Nonprovisinal Application" filed on October 12, 2001, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of August 31, 2001, including page 20 of the specification.

The application was filed on August 31, 2001. However, on September 21, 2001, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Item(s)" that stated the application had been accorded a filing date, but page 20 of the specification appears to have been omitted.

In response, on October 12, 2001, the instant petition and a copy of page 20 of the specification were submitted. The papers were accompanied by copies of applicant's postcard receipt that acknowledges receipt of thirty-one (31) pages of specification on August 31, 2001. A review of the application file indicates the presence of thirty (30) pages of specification. It is assumed that page 20 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee paid for the papers filed on October 12, 2001, will be refunded to deposit account no. 19-0036.

This application will be returned to OIPE for further processing with a filing date of August 31, 2001, using the copy of page 20 of the specification, supplied on October 12, 2001.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



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